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Viewing cable 08MANAGUA1505, NATIONAL ASSEMBLY ADJOURNS AFTER ELECTION FRAUD

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Reference ID	Created	Released	Classification	Origin
08MANAGUA1505	2008-12-18 14:17	2011-08-30 01:44	CONFIDENTIAL	Embassy Managua

Appears in these articles:

<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758456.aspx>
<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758467.aspx>
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<http://www.confidencial.com.ni/articulo/3967/barreto-era-ldquo-fuente-confiable-rdquo-para-eeuu>

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TO RUEHC/SECSTATE WASHDC PRIORITY 3534
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 MANAGUA 001505

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SUBJECT: NATIONAL ASSEMBLY ADJOURNS AFTER ELECTION FRAUD
LEADS TO POLITICAL IMPASSE

REF: MANAGUA 1240

Classified By: Ambassador Robert J. Callahan, for reasons 1.4(b) and (d)
)

11. (C) Summary: In the wake of the fraudulent November 9 municipal elections, the National Assembly concluded its legislative year on December 15 at an impasse as both the governing Sandinista National Liberation Front (FSLN) and the united opposition parties were unable to gather a quorum to promote their competing political agendas. Through parliamentary maneuvers, the opposition had placed legislation on the Assembly's agenda to annul the recent municipal elections, but lacked the required votes to move the legislation to committee and ultimately to a floor vote. The FSLN, likewise, on two separate occasions failed to garner sufficient votes for a quorum to allow for the removal of the legislation from the agenda, which would be an indirect endorsement of the election results. While not a complete victory for the opposition, this stalemate has thrown a wrench into the FSLN's plans to simply endorse the election results and move ahead with the President's legislative agenda, including constitutional reform. The legislative deadlock also affected other pending economic legislation ranging from the approval of the 2009 national budget to votes accepting the terms of several international assistance loans. The inability of the opposition to convene a quorum also hints at strains on the internal power dynamics of the main opposition party. While the Assembly did eventually conclude its annual session on December 15, negotiations to find a resolution to the political impasse surely will continue into the legislative recess. End Summary.

The Legislation That Paralyzed the Assembly

12. (C) On November 16, deputies from the Liberal Constitutional Party (PLC) and the Nicaraguan Democratic Bloc (BDN, those aligned with Eduardo Montealegre's political movement Vamos con Eduardo) introduced legislation in the National Assembly to annul the results of the November 9 municipal elections. The draft law also called for new elections 45 days after the legislation became law and required the Supreme Electoral Council (CSE) to accredit observers for the new elections. The draft law raised many questions about separation of powers. The CSE is an independent branch of government, and the FSLN-dominated Supreme Court already had indicated it would find such a legislative action unconstitutional. For this reason many Nicaraguans doubted the legislation would ever take effect. However, as Deputy Javier Vallejos (BDN) (a key opposition official on the Assembly's executive committee) told PolOff,

the objective was to raise an obstacle to the FSLN's attempt to legitimize the municipal elections. The opposition's difficulty, however, was its inability to find enough deputies to support the legislation.

¶3. (C) Both the opposition parties and the governing FSLN sought to demonstrate their dominance of the Assembly by competing to be the first to gather the necessary 47 deputies for a quorum to support their respective positions. For the opposition this meant moving the election nullification legislation to committee and ultimately to a floor vote. For the FSLN this meant convening a quorum that would act on a pre-set legislative agenda that did not include the draft law and thereby implicitly endorsed the election results. On December 4 the opposition parties tried to convene a quorum and refer the legislation to committee, but were only able to gather 44 deputies. These included deputies from the following parties: 25 from the PLC, 15 from the BDN, three from the Sandinista Renovation Movement (MRS), and one independent. On December 9, the FSLN tried to convene a quorum to push through its agenda, but only gathered 45 deputies, which included: 38 from the FSLN, five from the Nicaraguan Liberal Alliance (ALN), and two independents. On December 15, the FSLN tried a second time to convene a quorum, but to the surprise of nearly all observers, it failed. It fared worse than the week before as it gathered only 41 deputies, losing ALN deputies that had been present during the FSLN's December 9 effort.

What the Deadlock Means

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¶4. (C) The legislation to annul the elections paralyzed the Assembly. With neither the opposition nor the governing FSLN able to gather the required 47 deputies to convene a quorum, other matters pending before the National Assembly also stalled. This included the approval of the 2009 national budget, the approval of a series of international development loans for Nicaragua, the confirmation of central bank appointees, and the extension of voter identification cards that expire December 31, 2008, but that are needed by voters in the Atlantic coast for local elections that are scheduled for January 18, 2009.

¶5. (C) The legislative deadlock also signifies that the FSLN will need to pursue constitutional reform on a different timeline. Prior to the November municipal elections, deputies from all parties understood that the FSLN would attempt to pass constitutional reform once before the end of 2008 (reftel). (Constitutional amendments must be passed in two consecutive legislative sessions.) Given the widespread anger with the fraudulent municipal elections, the FSLN found itself in a difficult position to find the necessary 56 votes to pass any constitutional reform this year. The FSLN has publicly stated its intention to seek the reforms during the 2009-2010 legislative period (which is composed of two sessions). In a press interview, Supreme Court Magistrate and confidant to President Ortega Rafael Solis stated that there was still time to pass the constitutional reforms prior to the 2011 national elections. (A key element to the constitutional reform is the provision permitting consecutive re-election of the president, which would allow Ortega to run in 2011.)

¶6. (C) While the National Assembly concluded this year's session on December 15 and will not reconvene until January 9, 2009, both the opposition parties and the FSLN will continue to seek the coveted 47th deputy. Deputy Agustin Jarquin, of the Christian Democratic Union that is aligned with the FSLN in the Assembly, told us that parliamentary rules allowed for the legislature to convene a special session during a recess. Aside from furthering their current political agendas, both sides will seek 47 votes to support

their candidates for the new executive committee (Junta Directiva) of the Assembly that must be elected upon the legislature's return on January 9, 2009. As usual, the executive committee will be instrumental in setting the legislative agenda.

17. (C) The paralysis of the Assembly and the unresolved election fraud have Nicaraguans guessing what role Arnaldo Aleman, the informal leader of the PLC, will play in resolving the current political crisis. During past political deadlocks, Aleman has negotiated directly with Ortega to reach a compromise. However, several contacts close to Aleman have asserted that Aleman is feeling pressured from various fronts but has refused to deal directly with Ortega thus far. Given the massive election fraud, Aleman might fear a public backlash if he were to negotiate with the FSLN. On the other hand, Aleman might also fear that fully supporting the opposition's challenge of the municipal elections would strengthen the increasingly-held perception of Eduardo Montealegre as the leader of the opposition and further marginalize Aleman from the political scene.

Comment

18. (C) While legislation to annul the fraudulent municipal elections was seen as a long shot, it served as a message by a unified opposition to the FSLN that at least one state institution was willing to challenge the government. It also has been promising to see the opposition parties working together - the PLC, the BDN, and the MRS. The opposition's collaboration thus far has fallen short of garnering the necessary votes to move the legislation forward, but perhaps more importantly has thwarted the FSLN's legislative agenda and timeline on constitutional reform. We note that the legislative deadlock also has prevented the Assembly's approval of the GON's 2009 budget. For the moment this has worked in favor of the opposition by increasing the pressure on Ortega with respect to international assistance disbursements, including from the IMF and the World Bank.

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However, if it persists, the lack of an approved budget could very quickly be turned to a liability for the opposition if the GON-controlled media successfully place the blame for mounting donor assistance cuts on the opposition.

19. (C) This political impasse also hints at the strains within the PLC's internal party dynamics. With the opposition unable to garner a simple majority of 47 deputies to support its legislation, members from various parties have questioned Aleman's position as the leader of the opposition. Similarly, questions linger as to the sustainability of Montealegre's efforts as the leader of the unified opposition.
CALLAHAN